

ORDINANCE NO. \_\_\_\_\_

BILL NO. 84 (2002)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80A,  
MAUI COUNTY CODE, PERTAINING TO THE  
GENERAL PLAN AND THE COMMUNITY PLANS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 2.80A, Maui County Code, pertaining to the general plan and community plans, is hereby repealed.

SECTION 2. Title 2, Maui County Code, is amended by adding a new chapter 2.80B to be appropriately designated and to read as follows:

**"Chapter 2.80B**

**GENERAL PLAN AND COMMUNITY PLANS**

Sections:

- 2.80B.010 Purpose and intent.
- 2.80B.020 General plan.
- 2.80B.030 General plan advisory committee.
- 2.80B.040 Decennial revisions to the general plan.
- 2.80B.050 Non-decennial amendments to the general plan.
- 2.80B.060 Community plans.
- 2.80B.070 Community plan advisory committees.
- 2.80B.080 Decennial revisions to the community plans.
- 2.80B.090 Non-decennial amendments to community plans proposed by the planning director or the County council.
- 2.80B.100 Non-decennial amendments to community plans proposed by the state, individuals, or legally cognizable entities.
- 2.80B.110 Effect of adoption of the general plan and the community plans.

**2.80B.010 Purpose and intent.** The purpose and intent of this chapter is to establish an improved process to update the general plan and community plans. This chapter is designed to provide plans that clearly identify provisions that are meant to be matters of policy and shall also identify matters that require an action having the force and effect of law; to implement and enforce plans through prioritization and accountability; to empower advisory committees with more authority and longevity; to place more emphasis on island-wide and inter-regional issues; to encourage more frequent updates of plans and to establish deadlines for completion; and to the increase public and community participation in the planning process.

**2.80B.020 General plan.** A. Exhibit A of this chapter, entitled "The General Plan of the County of Maui," with an effective date of September 27, 1991, and as may be amended, which is on file with the office of the county clerk, is adopted as the general plan of the County and by reference made a part of this chapter.

B. All agencies of the County shall comply with the provisions of the general plan. Notwithstanding any other provision, all community plans, zoning ordinances, subdivision ordinances and administrative actions by County agencies shall conform to the provisions of the general plan. Preparation of County budgets and capital improvement programs shall implement the provisions of the general plan. The community plans authorized in this chapter are established and shall, upon adoption by the County, be part of the general plan of the County, as provided in the revised charter of the County.

C. The general plan and the community plans may contain provisions identifying regulatory planning standards that must be specifically complied with. Said planning standards shall be implemented through an ordinance amending the Maui County Code, an amendment to agency rules or design guidelines, or other appropriate means. Prior to implementation, the ordinance most recently enacted by the County, including ordinances adopting the general plan and the community plans, shall prevail to the maximum extent permitted by law.

D. The general plan shall be developed after input from state and county agencies and the public, and shall be based on sound policy information. The general plan shall: consider and indicate projected population and physical development patterns for each island and

community within the county; address the unique problems and needs of each island and community; explain opportunities and the social, economic, and environmental consequences related to potential developments; and set forth the desired sequence, patterns and characteristics of future developments. The general plan shall identify the objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development. More particularly, the general plan shall include, but not be limited to, the following elements:

1. Island-wide land use strategies.

- a. Vision statement. A vision statement for each island's economy, land use pattern and social environment.

- b. Managed and directed growth plan. A description of existing and future land use patterns and planned growth for the twenty-year planning period. A discussion as to how these patterns are consistent with and support the vision, principles, goals and policies of the county and the respective island. This element shall include a map that delineates urban and rural growth areas for the island of Maui, consistent with, and illustrative of, the general plan's vision, principles, goals and policies. Rural growth areas shall be consistent with the purpose and intent of chapter 205, Hawaii Revised Statutes, the state land use law.

- c. Action plan. Identification of specific programs, projects and regulations that will need to be developed over the twenty-year planning period to implement the respective island's vision, principles, goals and policies. This element shall include a general schedule and identify implementing agencies and organizations.

2. Implementation program.

- a. Capital improvement element. A capital improvement element to include a description of regional infrastructure systems and regional public facilities and services that will be needed over the twenty-year

planning horizon.

b. Financial element. A fiscally sound financial program for identified actions and capital improvements. The element shall be broken into a twenty-year financial plan, a ten-year financial plan and an annual financial plan. Preparation of the County's annual operating budget and capital improvement program, developed pursuant to sections 3.04.030 and 3.04.040 of this code, shall implement the vision, principles, goals, and actions set forth in the general plan.

c. Implementation schedule. The implementation schedule shall identify and numerically prioritize specific actions, the implementation action's commencement and completion dates for the subject action, the lead implementation agency or organization, the estimated implementation cost, and the anticipated funding source or sources.

3. Benchmarks. The general plan shall contain specific milestones designed to measure progress in the implementation of its vision, principles, goals, and policies. In assessing each milestone, due consideration shall be given to federal, state and county economic, demographic and other significant quality of life indicators.

4. Status reports. An annual general plan implementation and enforcement report shall be prepared by each county agency and transmitted to the planning director at the same time the respective agency submits the third quarter budget implementation report pursuant to section 3.04.050 of this code. The annual general plan implementation and enforcement report shall include a status report on each agency's progress towards implementation and milestones, and enforcement. The planning director shall then prepare a summary report that shall be transmitted to the mayor and to the County council. The planning director shall also contact agencies/organizations outside the County for a status report on appropriately assigned implementation actions and include them in the annual general plan implementation and enforcement report.

5. Technical plans and studies.

a. Public participation element. A strategic element for public participation and notification throughout the planning process.

The element shall include the use of tools such as a respective island advisory committee, public opinion surveys, community design charities and meetings, public hearings and informational meetings, the use of radio, newspaper, television and other types of media, and direct consultation with different age, economic, ethnic and other groups.

b. Socio-economic forecast. The forecast shall include, but not be limited to,

twenty-year forecasts of resident and de facto population; age and sex cohorts; job growth by industry; migration; income; housing demand, labor demand and unemployment; and average visitor census, visitor arrivals, visitor expenditures, and visitor units of all types.

The data shall be analyzed assuming at least two different rates of population and economic growth. The data shall be provided for the County as a whole and further aggregated by island and by community plan district. The forecast shall be updated every two years.

c. Infrastructure, water and public facilities assessment. The study shall include, but not be limited to, an assessment of infrastructure, public facilities, water and health care systems, and telecommunications systems to assess system adequacy, limitations and opportunities; future system requirements and cost based on population projections over the plan period; national and or local planning standards for each component; a baseline inventory of current capacity; existing capacity or service deficits or excesses relative to the national or appropriate standards and future population projections. The assessment shall be updated every five years.

d. Resource and hazard constraints inventory, including environmental, scenic, and significant view plane resources.

**2.80B.030 General plan advisory committee.** A. At least every ten years (decennial), the planning director shall prepare and recommend revisions to the general plan.

B. There shall be general plan advisory committees for the islands of Maui, Molokai, and Lanai to comment, advise, and provide recommendations to the planning director regarding the revisions prepared and recommended by the planning director, as follows.

1. The Maui general plan advisory committee shall be composed of eighteen members, two appointed from each Maui community plan district by the County council and one appointed from each Maui community plan district by the mayor.

2. The Molokai general plan advisory

committee shall be composed of thirteen members, nine appointed by the County council and four appointed by the mayor.

3. The Lanai general plan advisory committee shall be composed of thirteen members, nine appointed by the County council and four appointed by the mayor.

C. Within one hundred eighty days after its first meeting, a general plan advisory committee shall forward its recommendations to the planning director unless the County council, by resolution, extends the time in which to forward the recommendations.

D. The County council may waive the provisions of this section to the extent that they prevent obtaining or granting of federal aid on any project or the prosecution of work thereunder.

**2.80B.040 Decennial revisions to the general plan.**

A. In processing decennial revisions to the general plan, the planning director shall:

1. Refer such revisions to the general plan advisory committees;

2. Make the revisions available to the public not less than thirty calendar days prior to the first meeting of a general plan advisory committee; and

3. Assist the general plan advisory committees to conduct public meetings, public workshops or other meetings.

B. Within thirty days after a general plan advisory committee has forwarded its recommendations to the planning director, recommended revisions shall be placed on the appropriate planning commission's agendas for a public hearing.

C. Within one hundred eighty days after a planning commission holds its final public hearing, the commission shall transmit the proposed revisions, and its findings and recommendations, to the County council.

D. No later than one year after receipt of the transmittal from a planning commission, the County council shall adopt the general plan by ordinance following a public hearing. Upon the final vote by the County council adopting the general plan, the general plan advisory committees shall be disbanded.

E. The general plan and any revisions thereto shall be in printed form and shall be attached to and be deemed incorporated into the ordinances adopting the general plan.

**2.80B.050 Non-decennial amendments to the general plan.**

A. Non-decennial amendments to the general plan may be proposed by the planning director or by the County council by resolution; amendments proposed by the County council shall be processed and reviewed in the same

manner as if prepared by the planning director. All proposed amendments to the general plan shall be referred to the appropriate planning commission(s) for findings and recommendations, following public hearing(s).

B. Within one hundred eighty days after the appropriate planning commission(s) holds its final public hearing, the commission(s) shall transmit the proposed amendments, and its findings and recommendations, to the County council.

C. No later than one year after receipt of the transmittal, the County council shall review and act upon general plan amendment proposed by the planning director.

D. If the appropriate planning commission disapproves of an amendment proposed by the County council, or recommends a modification thereof, not accepted by the County council, or fails to make its report within one hundred twenty days after receipt of the referral, the County council may nevertheless pass such revision or amendment, but only upon the affirmative vote of at least two-thirds of its entire membership.

E. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to the general plan directly triggers an amendment to a community plan, such matters shall be processed concurrently.

**2.80B.060 Community plans.** A. Community plans shall set forth, in detail, land uses within the urban and rural growth areas for the community plan districts on Maui and island-wide for Moloka'i and Lana'i. The planning horizon shall be twenty years. The objectives of each community plan shall be to implement the policies of the general plan. Each community plan shall include a land use map of the community plan district to which it is applicable.

B. The following community plans are adopted by the County pursuant to this chapter:

1. Hana Community Plan (1994);
2. Pa'ia-Ha'iku Community Plan (1995);
3. Kahoolawe Community Plan (1995).
4. West Maui Community Plan (1996);
5. Makawao-Pukalani-Kula Community Plan (1996);
6. Kihei-Makena Community Plan (1998);
7. Lana'i Community Plan (1998);
8. Moloka'i Community Plan (2001); and
9. Wailuku-Kahului Community Plan (2002).

C. Exhibit B attached to the ordinance codified in this chapter is a map showing, in general, the community plan districts referred to in subsection B of this section and an indication of the boundaries thereof.

D. In determining specific boundaries for each community plan district, the planning director shall preserve the physical integrity of established land parcel boundaries to the extent practicable. The planning director shall also furnish said community plan boundaries to the United States census bureau prior to each census, with the request that census tract map boundaries do not overlap into two or more community plan boundaries.

E. Each community plan shall contain, but not be limited to:

1. A statement of the major problems and opportunities concerning the needs and development of the community plan district;

2. A statement of the social, economic and environmental effects of such development;

3. The desired sequence, patterns and characteristics of future development;

4. A description of the community plan district;

5. A declaration of planning standards and principles relative to land uses within the community plan district;

6. A statement of urban or rural design principles and objectives for the community plan district;

7. An identification of areas, sites and structures recognized as having historical or archaeological significance, and a listing of scenic sites and resources;

8. A multi-modal transportation system showing existing and proposed roadways, corridors, bikeways, and major thoroughfares;

9. Statements of intention relative to the location or improvement of:

- a. All public service facilities;

- b. Transportation facilities;

10. Statements setting forth:

- a. Problems relating to land uses;

- b. Projections relative to social, economic, and environmental effects of proposed development;

11. Desired population density including

visitors and residents;

12. Specific land use designations based on property lines, to the extent practicable;

13. Streetscape and landscaping principles and improvements;

14. Action element. Identification of specific programs, projects and regulations that need to be developed over the twenty-year planning period to implement the community plan. Further, identification of specific programs, projects, and regulations that need to be accomplished during the first ten years of that planning period shall be separately identified. This element shall include a prioritized general schedule and identify each implementing agency/organization; and

15. Notwithstanding the provisions of subsection (E)(12), a community plan may contain one or more project districts wherein permitted land uses are identified by percentage of total acreage and density in conformance with the general plan and appropriate community plan; provided, however, that the County council shall subsequently zone each project district consistent with the identified land uses after holding a public hearing in the applicable community plan district.

F. Implementation program.

1. Capital improvement element. A capital improvement element to include a description of infrastructure systems and public facilities and services that will be needed over the twenty-year planning horizon, in two-year increments, to implement the intent and purpose of the community plan. Consideration shall be given to roads, sidewalks, bikepaths and pedestrian ways; local water and utility systems; local drainage improvements; community and neighborhood parks; and local public facilities.

2. Financial element. A fiscally sound financial program for identified actions and capital improvements over the twenty-year planning period, in two year increments. Preparation of the County's annual operating and capital improvement program, developed pursuant to sections 3.04.030 and 3.04.040 of this code, shall implement the identified actions in each of the community plans.

3. Implementation schedule. The implementation schedule shall identify and

numerically prioritize specific actions, the implementation action's commencement and completion dates for the subject action, the lead implementation agency, the estimated implementation cost, and the anticipated funding source.

G. Benchmarks. Each community plan shall contain specific milestones designed to measure progress in the implementation of the plan's vision, principles, goals and policies. In assessing each milestone, due consideration shall be given to federal, state and county economic, demographic and other significant quality of life indicators.

H. Status reports. An annual community plan implementation and enforcement report shall be prepared by each county agency and transmitted to the planning director at the same time the respective agency submits the third quarter budget implementation report pursuant to section 3.04.050 of this code. The annual community plan implementation and enforcement report shall include a status report on each agency's progress towards implementation and milestones, and enforcement. The planning director shall then prepare a summary report that shall be transmitted to the mayor and to the County council. The planning director shall also contact agencies/organizations outside the County for a status report on appropriately assigned implementation actions and include them in the annual community plan implementation and enforcement report.

**2.80B.070 Community plan advisory committees.** A. The planning director shall prepare and recommend revisions of the community plans at least every ten years (decennial), beginning with the community plan first adopted in the previous decennial revision process and continuing with the revisions to the community plan next adopted in the previous decennial revision process and so on until all nine community plans have been revised.

B. There shall be a community plan advisory committee for each community plan district set forth in section 2.80B.060(C). Except for the community plan advisory committee reviewing the Kahoolawe community plan, committee members shall be residents of the community plan district served by the committee, and all meetings of the committee shall be held in that community plan district.

C. Each committee shall be composed of thirteen members, nine appointed by the County council and four by

the mayor. For purposes of continuity, the County council and the mayor may reappoint their respective members of the general plan advisory committee to serve on the appropriate community plan advisory committee. After preparation of recommended revisions by the planning director, it shall be the duty of each community plan advisory committee to comment, advise, and provide recommendations to the planning director concerning the revisions to the community plan for its community plan district. The respective community plan advisory committee shall be empaneled at such time as its community plan comes up for revision in accordance with the timing established in subsection (A).

D. Each committee shall select a chairperson and vice-chairperson by a majority vote of the committee members. The planning director shall be responsible for providing staff to support the work of the committee which shall include department staff and, at the planning director's discretion, outside consultant services. The committee shall hold at least seven workshops at a time and location convenient to the general public which will allow public participation in the process. The workshops shall be facilitated by a professional who has experience in this area and shall include one or more table-top exercises where the public will be invited to provide input using maps and other devices.

E. Within one hundred eighty days after its first committee meeting, each community plan advisory committee shall forward its recommendations regarding the recommended revisions to the planning director unless the County council, by resolution, extends the time in which to forward the recommendations.

F. The County council may waive the provisions of this section to the extent that they prevent obtaining or granting of federal aid on any project or the prosecution of work thereunder.

**2.80B.080 Decennial revisions to the community plans.** A. In processing decennial community plan revisions, the planning director shall:

1. Refer such revisions to the appropriate community plan advisory committee;
2. Make the recommended revisions available to the public not less than thirty calendar days prior to the first meeting of the community plan advisory committee; and
3. Assist the appropriate community plan

advisory committee to conduct public meetings, public workshops or other meetings regarding the recommended revisions.

B. Within thirty days after a community plan advisory committee has adopted its recommendations, the recommended revisions shall be placed on the appropriate planning commission agenda for a public hearing within the appropriate community plan district.

C. Within one hundred eighty days after the appropriate planning commission holds its final public hearing, the commission shall transmit the proposed revisions, and its findings and recommendations, to the County council.

D. No later than one year after receipt of the transmittal from a planning commission, the County council shall adopt the community plan by ordinance following a public hearing in the community plan district. The respective community plan advisory committee shall be released of its duties and obligations related to the community plan revision process once its revisions are adopted, modified, or rejected by the County council, and until such action is approved, modified, or rejected by the mayor.

E. The community plans, and any revisions thereto, shall be in printed form and shall be attached to and be deemed incorporated into the ordinances adopting the respective plans.

F. Nothing in this section shall prevent concurrent processing of other actions related to the decennial revisions to the community plans. Where a decennial revision to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.

**2.80B.090 Non-decennial amendments to community plans proposed by the planning director or the County council.**

A. Non-decennial amendments to community plans may be proposed by the planning director or by the County council by resolution; amendments proposed by the County council shall be processed and reviewed in the same manner as if prepared by the planning director. Proposed amendments shall be referred to the appropriate planning commission for findings and recommendation.

B. Within one hundred eighty days after the appropriate planning commission has completed its final public hearing, the commission shall transmit the proposed amendments, and its findings and recommendations, to the County council.

C. No later than one year after receipt of the transmittal, the County council shall review and act upon community plan amendments proposed by the planning director.

D. If the appropriate planning commission disapproves of an amendment proposed by the County council, or recommends a modification thereof, not accepted by the County council, or fails to make its report within one hundred twenty days after receipt of the referral, the County council may nevertheless pass such revision or amendment, but only upon the affirmative vote of at least two-thirds of its entire membership.

E. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.

**2.80B.100 Non-decennial amendments to community plans proposed by the state, individuals, or legally cognizable entities.**

A. The state, or any individual or

legally cognizable entity, may file an application for a community plan amendment with the County department of planning. All applications shall include the following, if applicable:

1. Documents that identify the owner of the subject parcel of land and written authorization for the application by the owner;
2. Owner's name, address, and telephone numbers;
3. Agent's name, address and telephone numbers, if applicable;
4. Tax map key number of the parcel and its street address, if available;
5. Map identifying the site, adjacent roadways, and identifying landmarks;
6. List of owners and lessees of record and their respective tax map key numbers located within a five hundred-foot distance from the boundaries of the parcel. This list shall be derived from the most current real property tax list available at the real property tax division of the department of finance of the County within thirty days of the filing of the application with the planning director. A map, drawn to scale, which clearly identifies the five hundred-foot boundary surrounding the subject parcel and the parcels within the boundary;
7. Policies and objectives of the general plan applicable to the application and an analysis as to conformance to these policies and objectives;
8. A draft environmental assessment including, but not limited to, the following:
  - a. Identification of applicant or proposing agency;
  - b. Identification of approving agency;
  - c. Identification of agencies consulted;
  - d. General description of the action's technical, economic, social, and environmental characteristics;
  - e. Summary description of the affected environment, including suitable and adequate location and site maps;
  - f. Identification and summary of major positive and negative impacts and alternatives considered, if any;
  - g. Proposed mitigation measures, if any;
  - h. Any other information the department may require in its consideration of every phase of the proposed action, the expected

consequences, both primary and secondary, and the cumulative as well as the short- and long-term effects of the action making a determination; and

i. Compliance with chapter 200, title 11, State department of health rules administrative rules.

9. The application fee as set forth in the County budget.

B. Upon completion of the requirements of chapter 343, Hawaii Revised Statutes, and chapter 200, title 11, State department of health administrative rules, the planning director shall refer the completed application to the appropriate planning commission and set the date for a public hearing, notice for which shall be provided as follows:

1. The planning director shall notify the applicant and the appropriate state and county agencies of the date of the public hearing not less than forty-five calendar days prior to the date of the public hearing;

2. The planning director shall publish the notice of the date, time, place, and subject matter of the public hearing once in a newspaper printed and issued at least twice weekly in the County and which is generally circulated throughout the County at least thirty calendar days prior to the date of the public hearing. The planning director shall insure a proper description of the location of the proposed action, including and containing the following within the notice: a map drawn to an appropriate scale, labeled with landmarks and a street address, where applicable;

3. The applicant shall provide notice of the public hearing date on the application to the owners and lessees of record located within a five hundred-foot distance from the boundaries of the parcel identified in the application by complying with the following procedures:

a. Mail a notice of the date of the public hearing of the application in a form prescribed by the planning director by certified or registered mail, return receipt requested, to each of the owners and lessees not less than thirty calendar days prior to the date of the public hearing;

b. Submit each of the return receipts

for the certified or registered mail to the planning director not less than ten business days prior to the date of the public hearing;

c. Publish the subject matter, in a form prescribed by the planning director, once a week for three consecutive weeks prior to the date of the public hearing in a newspaper which is printed and issued at least twice weekly in the County and which is generally circulated throughout the County. The notice shall contain, at the very least, a map drawn to scale, showing the location of the action easily discernable by the general public when published, and a street address, where applicable, in addition to anything further the planning director may require; and

d. For purposes of this section, notice shall be considered validly given if the applicant has made a good faith effort to comply with subsection (B)(3).

C. The planning director shall transmit a report on the application to the appropriate planning commission not less than six days prior to the date of the public hearing.

D. Within one hundred eighty days after the appropriate planning commission has completed its final public hearing, the commission shall transmit the proposed amendment, and its findings and recommendations, to the County council.

E. No later than one year after receipt of the transmittal, the County council shall review and act upon the proposed community plan amendment.

F. Prior to approving any amendment to a community plan pursuant to this section, the County council may hold a public hearing regarding the amendment, which shall be held in that community plan region.

G. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.

**2.80B.110 Effect of adoption of the general plan and the community plans.** A. Until revised or amended pursuant to this chapter, the general plan and the current community plan for each community plan district shall be in full force and effect."

SECTION 3. SEVERABILITY. Should any word, phrase, sentence, paragraph, section, or any other provision of this Chapter be declared invalid by a court of competent jurisdiction, the provisions of this Chapter that may be given effect without the invalid portion shall remain in full force and effect. Should any portion of this Chapter be determined invalid as to its application on any island in the County, then those provisions of this Chapter that remain valid shall be the applicable law for that island where such provision has been declared invalid.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

---

BRIAN T. MOTO  
First Deputy Corporation Counsel  
County of Maui

S:\CLERICAL\KAO\ORD\Planning\Ch 2.80B Gen & Comm Plan.wpd